

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CRIMINAL No. 15-627 JAP
	)	
vs.	)	
	)	
JENNIFER VANESSA AMEZCUA-AGUIRRE,	)	
	)	
Defendant.	)	

**MOTION TO DISMISS INDICTMENT**

Pursuant to Fed. R. Crim. P. 48(a), the United States hereby moves the Court to dismiss the Indictment as to defendant Jennifer Vanessa Amezcua-Aguirre and in support thereof states as follows:

1. On February 25, 2015, a federal Grand Jury returned an Indictment (Doc. 13) charging defendant with one count of Possession with Intent to Distribute 100 Grams and More of Heroin in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).
2. On May 21, 2015, defendant filed a motion to suppress evidence (Doc. 20).
3. On July 24, 2015, after a hearing on this matter, this Court issued a Memorandum Opinion and Order (“MOO”) granting defendant’s motion. *See* Doc. 35.
4. On August 24, 2015, the United States filed a motion urging the Court to reconsider its July 24th MOO. *See* Doc. 42.
5. On October 23, 2015, the Court granted, in part, and denied, in part, the United States’ motion. *See* Doc. 60. The substance of the October 23rd Order did not, however, fundamentally change the Court’s July 24th ruling. Indeed, all of the evidence remained suppressed.

6. As a result of the Court's July 24th and October 23rd rulings, the United States hereby moves to dismiss the Indictment in this cause without prejudice.

7. Irma Rivas, counsel for Ms. Amezcua, joins in this motion.

WHEREFORE, the United States moves this Court, pursuant to Fed. R. Crim. P. 48(a), to dismiss the instant Indictment without prejudice as to defendant.

Respectfully submitted,

DAMON P. MARINTEZ  
United States Attorney

/s/ *Electronically filed on 11/24/15*

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 24, 2015, I filed the foregoing document electronically through the CM/ECF system. Pursuant to the CM/ECF Administrative Procedures Manual, §§ 1(a), 7(b)(2), such filing is the equivalent of service on parties of record.

/s/

Joel R. Meyers  
Assistant United States Attorney